

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

LISA C. TAULBEE,)
Plaintiff,)
v.)
NANCY BERRYHILL, Acting)
Commissioner of Social Security,)
Defendant.)

Case No. CIV-18-52-G

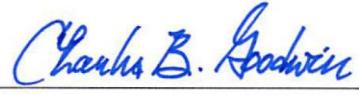
ORDER

On March 29, 2019, the Court entered an Opinion and Order and a Judgment reversing the decision of the Acting Commissioner and remanding this case for further proceedings. *See* Doc. Nos. 23, 24. Plaintiff Lisa C. Taulbee now requests an award of attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412. *See* Mot. Att'y Fees (Doc. No. 25). Defendant has notified the Court that she has no objection to the requested fee award. *See id.*; Def.'s Resp. (Doc. No. 26) at 1-2.

Having considered Plaintiff's unopposed request and the relevant record, the Court finds that: "(1) [P]laintiff is a 'prevailing party'; (2) the position of the United States was not 'substantially justified'; and (3) there are no special circumstances that make an award of fees unjust" in this case. *Hackett v. Barnhart*, 475 F.3d 1166, 1172 (10th Cir. 2007) (quoting 28 U.S.C. § 2412(d)(1)(A)). Accordingly, the Court GRANTS Plaintiff's request and awards fees in the amount of \$5079.20, with said amount to be paid directly to Plaintiff and sent in care of Marianna E. McKnight, 2448 E. 81st St., Suite 2038, Tulsa, Oklahoma, 74137. If attorney's fees are also awarded under 42 U.S.C. § 406(b), Plaintiff's counsel

shall refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

IT IS SO ORDERED this 24th day of June, 2019.


Charles B. Goodwin
CHARLES B. GOODWIN
United States District Judge